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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.	
09/805,099	03/13/2001	Gayle Marie Frankenbach	8244	2087	
	7590 07/29/200 R & GAMBLE COMP	EXAMINER			
Global Legal D	epartment - IP	NGUYEN, TRI V			
Sycamore Building - 4th Floor 299 East Sixth Street			ART UNIT	PAPER NUMBER	
CINCINNATI,	ОН 45202		1796		
		MAIL DATE	DELIVERY MODE		
			07/29/2009	PAPER	

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary		Applicat	Application No.		Applicant(s)	
		09/805,0	5,099 FRANKENBACH ET AL.		ET AL.	
		Examine	er	Art Unit		
		TRI V. N	GUYEN	1796		
The N Period for Repl	MAILING DATE of this commu Y	nication appears on ti	he cover sheet with	the correspondence ad	ddress	
A SHORTEN WHICHEVEI - Extensions of t after SIX (6) M - If NO period fo - Failure to reply Any reply recei	NED STATUTORY PERIOD F R IS LONGER, FROM THE M ime may be available under the provision ONTHS from the mailing date of this com r reply is specified above, the maximum s within the set or extended period for reply ved by the Office later than three months term adjustment. See 37 CFR 1.704(b).	MAILING DATE OF T s of 37 CFR 1.136(a). In no e munication. tatutory period will apply and y will, by statute, cause the ap	THIS COMMUNICA event, however, may a repl will expire SIX (6) MONTH oplication to become ABAN	ATION. y be timely filed IS from the mailing date of this of IDONED (35 U.S.C. § 133).	·	
Status						
2a)⊠ This a 3)⊡ Since	nsive to communication(s) filection is FINAL . this application is in condition in accordance with the pract	2b)☐ This action is for allowance excep	ot for formal matter	•	e merits is	
Disposition of (Claims					
4a) Of 5) ☐ Claim(6) ☑ Claim(7) ☐ Claim(s) <u>1-11,15-18,22,24-53,56-75</u> the above claim(s) is/a s) is/are allowed. s) <u>1-11,15-18,22,24-53,56-75</u> s) is/are objected to. s) are subject to restri	are withdrawn from constant of the second second 577-80 is/are re	onsideration.	ation.		
Application Par	pers					
10)☐ The dra Applica Replac	ecification is objected to by the awing(s) filed on is/are and may not request that any objected the declaration is objected the or declaration is objected the content of the conte	: a) ☐ accepted or bection to the drawing(s) g the correction is requ	be held in abeyance ired if the drawing(s)	e. See 37 CFR 1.85(a). is objected to. See 37 C		
Priority under 3	35 U.S.C. § 119					
 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f). a) All b) Some * c) None of: 1. Certified copies of the priority documents have been received. 2. Certified copies of the priority documents have been received in Application No 3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)). * See the attached detailed Office action for a list of the certified copies not received. 						
2) 🔲 Notice of Draf	erences Cited (PTO-892) tsperson's Patent Drawing Review (isclosure Statement(s) (PTO/SB/08) //ail Date	PTO-948)	Paper No(s)/I	rmal Patent Application		

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DETAILED ACTION

Response to Amendment

- 1. Upon the response on 05/13/09, claims 1-11, 15-18, 22, 24-53, 56-75 and 77-80 are pending. Claims 12-14, 19-21, 23, 54, 55 and 76 are cancelled.
- 2. Claims 1-11,15-18,22,24-53,56-75 and 77-80 stand rejected under 35 U.S.C. 102(e) as anticipated by or, in the alternative, under 35 U.S.C. 103(a) as obvious over Frankenbach et al. (US 6,491,840) for the reasons set forth in the office action dated 05/12/08.
- 3. Claims 1-11,15-18,22,24-53,56-75 and 77-80 stand rejected under 35 U.S.C. 103(a) as obvious over Frankenbach et al. (US 6,491,840) and further in view of "Canadian Advertising Success Stories 1999: Sunlight Laundry Detergent" document for the reasons set forth in the office action dated 05/12/08.
- 4. Claims 1-11,15-18,22,24-53,56-75 and 77-80 stand rejected under 35 U.S.C. 103(a) as obvious over Frankenbach et al. (US 6,491,840) and further in view of "Indiana Marketing Educators' Update" document for the reasons set forth in the office action dated 05/12/08.
- 5. Claims 1-11,15-18,22,24-53,56-75 and 77-80 stand rejected under 35 U.S.C. 103(a) as obvious over Frankenbach et al. (US 6,491,840) and further in view of Trinh et al. (US 5,977,055) for the reasons set forth in the office action dated 05/12/08.

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Response to Arguments

6. Applicant's arguments filed regarding Frankenbach et al. have been fully considered but they are not persuasive.

The declaration under 37 CFR 1.132 filed 05/13/09 is insufficient to overcome the rejection of claims 1-11,15-18,22,24-53,56-75 and 77-80 based upon the cited references (see above for details) as set forth in the Office action dated 05/12/08.

In the remarks, applicants argue that the rejection under US 6,491,840 is not "by another" as shown by a 132 declaration by one inventor, Gayle Marie Frankenbach. In particular, it seems like applicants are attempting to show attribution with the 132 declaration. It is noted that to show attribution, the declaration must provide an uncontradicted, unequivocal statement about the inventorship of the presently claimed invention with respect to what was disclosed but not claimed in the other reference; MPEP 716.10 states "[...] it is incumbent upon the inventors named in the application, in response to an inquiry regarding the appropriate inventorship under 35 U.S.C. 102(f) or to rebut a rejection under 35 U.S.C. 102(a) or (e), to provide a satisfactory showing by way of affidavit under 37 CFR 1.132 that the inventorship of the application is correct in that the reference discloses subject matter derived from the applicant rather than invented by the author, patentee, or applicant of the published application notwithstanding the authorship of the article or the inventorship of the patent or published application. In re Katz, 687 F.2d 450, 455, 215 USPQ 14, 18 (CCPA 1982)"; thus the latest 132 declaration filed on 05/13/09 is not found persuasive and compliant since the declaration does not provide that uncontradicted, unequivocal statement. For example, at paragraph 3, Gayle Marie Frankenbach states: "The subject matter of one or more of the claims of the present application including but not limited to 1-11, 15-18, 22, 24-53, 56-75, and 77-80 which is disclosed but not claimed in U.S. Patent No. 6,491,840 was conceived and/or invented by me."

The 132 declaration is contradicted by other documents in the application – e.g. the Bib Data Sheet lists 12 other co-inventors. Contrary to her statement in the declaration, Ms. Frankenbach is not the sole inventor of the present claims.

Furthermore, The 132 declaration also found to be equivocal: inventor Frankenbach states that one or more of the claims were invented by her, but it is not clear which ones.

Conclusion

7. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to TRI V. NGUYEN whose telephone number is (571)272-6965. The examiner can normally be reached on M-F 8:00 AM to 5:30 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Vasu Jagannathan can be reached on (571) 272-1119. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/T. V. N./ Examiner, Art Unit 1796 July 29, 2009 /Lorna M Douyon/ Primary Examiner, Art Unit 1796